

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-8302 on the date shown below.

Dated: May 20, 2003

Signature: *Linda J. Burleigh*

(Linda J. Burleigh)

Docket No.: 297912001911
(PATENT)#10
Response
w/ Declaration
J. Byer
5/22/03**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Tarun J. Edwin, et al.

Application No.: 09/858,035

Group Art Unit: 3738

Filed: May 14, 2001

Examiner: P. Prebilio

For: EXTERNALLY SUPPORTED GRAFT**REPLY TO OFFICE COMMUNICATION**

Commissioner for Patents
Washington, DC 20231

Dear Sir:

This communication is filed in response to the Office communication mailed on May 7, 2003, which states that the reply filed March 19, 2003 is not fully responsive to the prior Office Action, due to purported omissions. A response is due June 7, 2003, accordingly, this Reply is timely filed. It is believed that no fee is required in connection with this submission.

Reconsideration is respectfully requested in view of the remarks submitted herein.

REMARKS

The Examiner has cited three specific items of omission with respect to Applicants' reply filed March 19, 2003. In particular, the Examiner has found that:

1. The copy of the "Supplemental Declaration and Power of Attorney" appears to be missing page(s) of inventor's signatures. In particular, the signature page(s) with the signatures of Christopher Banas, Brendan McCrea and Rajagopal Kowligi is/are missing.
2. The information disclosure statement filed January 21, 2003 does not provide copies of the 40 references cited or state that such copies can be found in a parent application.

Application No.: 09/858,035

2

Docket No.: 297912001911

3. The references cited in the May 15, 2001 information disclosure statement cannot be located. Furthermore, there can be found no paper in the file stating that copies were not provided because copies are in one of the parent applications; it may be that page(s) are missing from the transmittal from that date.

Applicants submit that all of the items cited by the Examiner have been dutifully provided to the Patent Office and specifically offer the following in response to the Examiner's findings:

1. In the parent case (Serial No. 08/999,583, now U.S. Patent No. 6,264,684), the declaration was originally filed with a signature page including the signatures of each of the inventors (Tarun J. Edwin, Christopher E. Banas, Brendan J. McCrea and Rajagopal R. Kowligi). The declaration was prepared, however, with the incorrect citizenship information listed for Tarun J. Edwin. Mr. Edwin crossed through the incorrect citizenship information (U.S.A.) and wrote in ink the correction (India). However, Mr. Edwin did not initial this correction and the Examiner therefore required a Supplemental Declaration and Power of Attorney. This Supplemental Declaration was executed by Mr. Edwin alone as it was only his signature on the originally filed declaration that was purportedly defective.

In filing the present application, which is a divisional of Serial No. 08/999,583, now U.S. Patent No. 6,264,684, Applicants submitted both the original and supplemental declarations to duplicate the filings in the parent. Nevertheless, for the Examiner's convenience, both are attached hereto.

2. The information disclosure statement filed January 21, 2003 states that copies of the documents are submitted herewith. Applicants submitted the 40 references cited on the Form PTO-1449 to the patent office as evidenced by the stamped postcard, a copy of which is attached hereto. Because the resubmission of 40 references would be a burden on Applicants, it is requested that this file, as well as the companion file (Serial No. 09/855,918, also a divisional of Serial No. 08/999,583) be reexamined for potential misplacement of the references. If, upon reexamination of the files, the references cannot be located, Applicants will provide the Patent Office with another copy.

oc-258103

Application No.: 09/858,035

3

Docket No.: 297912001911

3. Pursuant to the Examiner's request for Applicants to indicate what parent application(s) the references cited in the May 15, 2001 IDS can be found, Applicants submit that each was cited in the parent application (Serial No. 08/999,583, now U.S. Patent No. 6,264,684) and should be found in that file. Applicants note that in the Office Action dated October 1, 2002, the Examiner initialed each of the references on the 15 pages of Form-PTO 1449 provided on May 15, 2001, with the initial filing of the application (the date of consideration by the Examiner was indicated as September 27, 2002).

Applicants respectfully submit that in view of the above, Applicants have fully responded to the Office Action dated October 1, 2002 and request substantive action on the pending claims.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 297912001911. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 20, 2003

Respectfully submitted,

By 

Todd W. Wight

Registration No.: 45,218

MORRISON & FOERSTER LLP

555 West Fifth Street, Suite 3500

Los Angeles, CA 90013-1024

(949) 251-7189

Attorneys for Applicant

oc-258103